

## REMARKS

### **Rejections**

Claims 1 and 2 currently stand rejected under 35 U.S.C. 102(b) as being anticipated by Patent No. 5,404,962 issued to Carter ("Carter"). Examiner states that Carter discloses a collapsible sawhorse comprised of horizontal support beam 12, pivoting legs support means 42, that is pivotally attached to the beam, leg assemblies 22-25, pivoting spring loaded tab 55, and tab aperture/notch 53.

Applicant respectfully submits that such rejection under 35 U.S.C. 102(b) in view of Carter is not appropriate as the claims of Applicant's invention are patentably distinguishable over Carter. More specifically, Carter does not teach every limitation of Applicant's invention as claimed. In order for a rejection under 35 U.S.C. 102(b) to be appropriate, the cited prior art must teach every limitation of the claimed invention.

Applicant acknowledges that both Carter and Applicant's invention teach a collapsible support assembly having leg members. Nevertheless, Applicant's invention is patentably distinguishable from Carter. That is, Applicant's invention claims "first and second leg members...moving between a first position where each are closely juxtaposed along their lengths, and an expanded position where each extend divergently from said pivotal support means...such movement being substantially orthogonal to said long axis of said horizontal support member." (see *generally* Claim 1, lines 13-21). According to claim 1, Applicant's invention teaches a collapsible support assembly whereby its leg members may collapse **both** with respect to the support

member **and** with respect to one another. From it claims, Applicant's invention specifically teaches leg members that independently pivot both in a coplanar and orthogonal relation to the adjoining support member.

Carter, on the other hand, teaches only a single pair of legs (Carter, col. 6, line 60). These legs are formed of a single piece...and form a generally U-shaped portion. (See Carter, col. 3, lines 59-62). The single structure legs, as taught by Carter, may only pivot within their support frame with respect to the support member in a planar relation. However, the singular U-shaped formed legs prevent any relative motion within a plane orthogonal to the support member. The "U-shaped portion 26 of legs 22 and 23 together with leg carrier 42 form a strong rigid integral unit..." (Carter, col. 4, lines 39-41). Finally, the uni-structure configuration of the legs as taught by Carter is best seen in FIG. 4, particularly as demonstrated by numeral 26.

Applicant's invention, by providing leg members that fold with respect to the support member and each other, provides an apparatus that has distinct advantages over Carter. The legs, as taught by Carter, always diverge from one another. As such, even in their "collapsed" position, where the legs rest in a plane parallel to the support member, the legs "spread apart" within that plane. This configuration prevents the Carter assembly from ever being in a truly compact position. Applicant's invention, by comparison, provides leg members that may collapse to rest both in a plane parallel to the support member and in parallel configuration to one another. The leg members, as taught by Applicant, are free to independently rotate within a coplanar direction between an "open" and "closed" position. This feature allow the assembly to be truly compact, and is therefore much more

conducive to easy transport and storage when compared to the Carter assembly. Finally, the leg members as claimed by Applicant, allow the assembly to be set-up in relatively tight spots. This is simply done by actuating each leg member, somewhere between the open and closed position, to a desired position where the assembly has a smaller footprint. In addition to improved storage and transport, it is easily seen that such configuration provides the user of Applicant's assembly much more freedom with regard to working in cramped conditions.

Finally, Carter's assembly teaches only a support member comprised of wood. However, Applicant's assembly teaches a support member comprised of plastic, or fiberglass, or some composite thereof. This feature, as mentioned in Applicant's original specification, affords several advantages in view of prior art. These advantages include easier transport and storage, longer operating life, and improved resistance to sheer or lateral forces.

### **New Claims**

Applicant now adds claim 3, which depends from claim 1, and does not add any new matter. As such, claim 3 is believed to be in condition for allowance.